

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:04cr0070 AS
)	
BRYAN E. SPILMON (1))	
ADVANCED DENTAL CONSULTING,)	
INC. (2))	
MOBILE DENTAL SERVICES OF)	
INDIANA, INC. (3))	
DIANE SPILMON (4))	
BE FREE, LP (5))	
PEN FUN LP (6) and)	
QUIXOTIC LP (7))	

MEMORANDUM

Counsel should be aware of *Boyko v. Anderson*, 185 F.3d 672 (7th Cir. 1999).

This court has a wonderment as to whether the most recent filings on behalf of certain defendants should be addressed to the Court of Appeals if it has not. It has been the impression by this court at this level that the language used in *Boyko* is pretty far reaching and firm. This court is not deciding here in absolute terms that *Boyko* precludes this court from considering the recently filed motions. It does expect and desire for counsel to address that issue specifically.

DATED: January 19, 2006

S/ ALLEN SHARP

ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT